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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 HECTOR ULLOA-NAVARRO [4],  
15 Defendant.

CASE NO. 12-cr-1111-BTM-4

**ORDER DENYING MOTION TO  
REDUCE SENTENCE  
WITHOUT PREJUDICE**

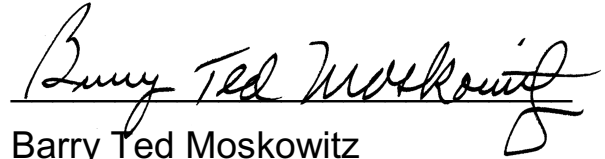
16 Defendant Hector Ulloa-Navarro has filed a *pro se* Motion to Reduce  
17 Sentence pursuant to the Fair Sentencing Act of 2010, 18 U.S.C. §  
18 3582(c)(2). Defendant also requests that the Court appoint counsel to  
19 assist in his pursuit of a reduced sentence. Defendant requests a  
20 recalculation of his sentence based on a two-point reduction in his base  
21 offense level under the United States Sentencing Guidelines.

22 A defendant is eligible for a sentence reduction if two prongs are  
23 satisfied: (1) the sentence is "based on a sentencing range that has  
24 subsequently been lowered by the Sentencing Commission" and (2) "such a  
25 reduction is consistent with applicable policy statements issued by the  
26 Sentencing Commission." United States v. Wesson, 583 F.3d 728, 730 (9th  
27 Cir. 2009) (quoting 18 U.S.C. § 3582(c)(2)). See also U.S.S.G. § 1B1.10  
28 (Reduction in Term of Imprisonment as a Result of Amended Guideline

1 Range). Defendant's motion does not cite any post-sentencing amendment  
2 to the Guidelines. Rather, it appears to be based on a prospective  
3 amendment to the Guidelines. It is therefore premature. The motion is  
4 accordingly **DENIED WITHOUT PREJUDICE.**

5 **IT IS SO ORDERED.**

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8 DATED: September 18, 2014



Barry Ted Moskowitz

Chief United States District Judge